

**REMARKS**

Claims 1-19 are pending. Claim 9 has been amended. Claims 1-8 have been withdrawn from consideration. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 9, 11, 18, and 19 were rejected under 35 U.S.C. § 102(b) over Fang et al. (U.S. Patent No. 5,858,844. Applicant respectfully traverses this rejection.

Claim 9 recites, in part, a method of fabricating a semiconductor device, including forming a metal oxide layer at an interface between a silicon oxide layer and a conductive layer. In contrast, Fang teaches that the gate conductive layer 10 is formed of polysilicon while the gate dielectric layer 12 is a silicon oxide. Further, an oxide layer is formed around the gate conductive layer 10. Therefore, since Fang teaches that the conductive layer is polysilicon, it would not be possible through the gate oxidation process of Fang, to form a metal oxide layer since no metal is present in Fang's teaching. Further, as described on page 2 of Applicant's Specification, the combination of polysilicon and silicon oxide is not desirable. Accordingly, one of ordinary skill in the art can conclude that Fang, by teaching polysilicon and silicon oxide layers, actually teaches away from the present invention. Therefore Fang does not teach at least, forming a metal oxide layer at an interface between a silicon oxide layer and a conductive layer, as recited in claim 1.

Claims 11, 18, and 19 are allowable for at least the reasons indicated above with respect to claim 9 by virtue of their dependence on claim 9. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 10 and 12-17 were rejected under 35 U.S.C. § 103(a) over Fang et al. in view of Van Zant ( Microchip Fabrication Textbook). Applicant respectfully traverses this rejection.

Claims 10 and 12-17 are allowable for at least the reasons presented above with respect to claim by virtue of their dependence on claim 9 because neither Fang or Van Zant teach or suggest the subject matter of at least claim 9. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.


**Conclusion**

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Attached is a marked-up version of the changes made to the claims by the current amendment. The attached Appendix is captioned **"Version with markings to show changes made"**.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,  
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Enclosure: Appendix

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 9 has been amended as follows:

9. (Amended) A method of fabricating a semiconductor device, comprising [the steps of]:

preparing a semiconductor substrate;

forming a silicon oxide layer on the semiconductor substrate;

forming a conductive layer on the silicon oxide layer; and

forming a metal oxide layer at an interface between the silicon oxide layer and the conductive layer.

End of Appendix